

REMARKS

Claims 1-5 are pending in this application. All of the pending claims were rejected. Claims 1-4 are currently amended. Support for the claim amendments can be found in the specification at pages 38, 39, and 51-53. Reconsideration is respectfully requested.

Claim 1 has been amended to recite a new limitation which clearly distinguishes the cited references. In particular, claim 1 now recites that the ascertaining logic considers signal attenuation where the alternative AP transmits at less than full power. As described the specification, the notion of what constitutes a better AP takes into account the distance to the AP in Banzais.¹ The distance in Banzais is a function of the received power level and the transmit power backoff.² Taking into account an attenuation of transmissions by the AP, e.g., for interference mitigation, permits the wireless device to select an AP which is better only after increasing that APs transmit power. Without that ability, the better alternative AP might be overlooked or judged to not be better than the current AP. The newly recited limitation of “logic for ascertaining whether the wireless device should attempt to associate with an alternative access point, the ascertaining based at least in-part on a level of attenuation of signal strength of transmissions from the alternative access point where the alternative access point transmits at less than full power” therefore renders the rejection moot. Withdrawal of the rejection of claim 1 is therefore requested.

Claims 2-5 are dependent claims which further distinguish the invention, and which are allowable for the same reason as claim 1. Note also that claim 3 has been amended to recite that AP loading is factored into the decision, support for which is in the specification in section 4.c.1

¹ Page 51, first full sentence

² Paragraph at bottom of page 38 through top of page 39

Distance to Load Factor Conversion, starting at page 53. Withdrawal of the rejections of claims 2-5 is also therefore requested.

Applicants have made a diligent effort to place the claims in condition for allowance. However, should there remain unresolved issues that require adverse action, it is respectfully requested that the Examiner telephone the undersigned, Applicants' Attorney at 978-264-4001 so that such issues may be resolved as expeditiously as possible.

Respectfully Submitted,

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Date

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